

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MICHAEL S. LEBBY and CHRISTOPHER K.Y. CHUN

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Appeal No. 95-1288  
Application No. 07/844,027<sup>1</sup>

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ON BRIEF

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Before HAIRSTON, BARRETT and DIXON, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 16 through 21 and 24 through 27.

The disclosed invention relates to a semiconductor to optical link. As seen in Figure 1, the link 10 is comprised

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<sup>1</sup> Application for patent filed March 2, 1992.

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of an optical fiber 12, a semiconductor component 14 and a header. The link is held together by a curable gel 30.

Claim 25 is illustrative of the claimed invention, and it reads as follows:

25. A semiconductor to optical link comprising:

a header defining an axial direction and having dimensions transverse to the axial direction;

a semiconductor component having an optical input/output area defined in a first surface and first and second electrical connections, at least one of the first and second electrical connections being positioned in the first surface, the semiconductor component being fixed to the header with the first surface directed outwardly away from the header and substantially perpendicular to the axial direction defined by the header, the transverse dimensions of the header being approximately the same size as the first surface of the semiconductor component;

an elongated optical fiber having an end defining an optical input/output of the fiber, the end of the optical fiber having dimensions transverse to a longitudinal dimension of the optical fiber approximately the same size as the first surface of the semiconductor component; and

a curable gel fixing the end of the optical fiber to the first surface of the semiconductor component, with the optical input/output of the optical fiber in alignment with the optical input/output area of the semiconductor component so as to form an optical junction therebetween.

The references relied on by the examiner are:

Bowen et al. (Bowen)	4,186,996	Feb. 5,
1980		

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Berg et al. (Berg)	4,329,190	May 11,
1982		
Sato	5,260,587	Nov.
9, 1993		
	(filed Mar. 30,	
1992) <sup>2</sup>		

Claims 16 through 21 and 25 through 27 stand rejected under the second paragraph of 35 U.S.C. § 112 because the examiner is of the opinion that the claimed axial direction of the header is confusing. According to the examiner (Answer, page 3), "[i]t appears that the 'axial direction' should be along the longitudinal direction of the fiber with the 'first surface' parallel rather than perpendicular to the 'axial direction'."

Claims 16 through 21 and 24 through 27 stand rejected under 35 U.S.C. § 103 as being unpatentable over Berg in view of Bowen and Sato.

Reference is made to the brief and the answer for the respective positions of the appellants and the examiner.

#### OPINION

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<sup>2</sup> The filing date of this reference is after the filing date of the subject application.

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All of the rejections are reversed.

The indefiniteness rejection is reversed because it is clear from appellants' disclosure (specification, pages 4 through 7) that the claimed 'axial direction' is "along the longitudinal direction of the fiber," and the 'first surface' is "perpendicular to the 'axial direction'."

In the obviousness rejection, Sato is not a proper prior art reference because the filing date thereof is after the filing date of the subject application. The examiner relied on this reference to show a "semiconductor component as being approximately the same size as a header," and a plurality of mating semiconductor devices and optical fibers (Answer, page 4). The examiner's obviousness position (Answer, pages 3 through 5) can not be sustained because Berg and Bowen do not disclose the transverse dimensions of a header being approximately the same size as the first or second surfaces of a semiconductor component (claims 16 through 21 and 24 through 27), and a plurality of semiconductor components fixed to a plurality of optical fibers (claim 27).

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DECISION

The decision of the examiner rejecting claims 16 through 21 and 25 through 27 under the second paragraph of 35 U.S.C. § 112, and claims 16 through 21 and 24 through 27 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
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	)	
	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

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